

REMARKS

Claims 1-27 and 38-63 are pending.

Claims 1-27 and 38-63 stand improperly rejected.

This Amendment is being filed in response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed February 8, 2008 and is being filed concurrently with a Request for Continued Examination.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 9, 11, 13-16, 18-22, 26, 27, 38, 46, 48, 50-53, 55-59 and 63 stand improperly rejected under 35 U.S.C. §102(b) as being anticipated by Foster. While Applicant disagrees with the merits of the rejection, Applicant has amended independent Claims 1, 27 and 38 to clarify the claimed subject matter. Applicant submits that Foster fails to teach each and every element of independent Claims 1, 27 and 38, as amended, and as such respectfully requests the withdrawal of the rejection of these claims and those claims dependent thereon under 35 U.S.C. § 102(b).

Claim 1, as amended, is instructive in this instance and recites in part:

an expandable bus structure operatively connected to said first communication signal processor and to said communication controller, wherein said bus structure is adapted to accept plural communication signal processors and operatively connect said plural communication signal processors to said communication controller to thereby provide plural levels of communication capacity between the hub and the plural nodes *without alteration of the communication controller*. (emphasis supplied).

While Applicant continues to assert that Foster fails to disclose a bus structure and that the line from CPU 260 to the modulators 731, 730 and demodulators 711, 710 is

merely just a "line" showing the flow of signals from the CPU to these modulators/demodulators, Applicant has amended the independent claims of the subject application to clarify the bus structure as being expandable without alteration to the respective communication controller. Foster fails to teach or disclose this element and thus withdrawal of the rejection is requested.

Rather, Foster discloses that increasing the number of modems requires adaptation to the existing system, which is unnecessary in the claimed subject matter. For example, Foster states that increased capacity requires adaptation of the in-door controller IDU controller 250. *See* Foster at 10:24-27. This is further described on column 11, lines 6-13 of Foster as requiring modifications to the ODU controller 230.

It shall be appreciated that increasing capacity by **adding multiple modems** to IDU controller 250 **requires circuitry in ODU controller 230** in addition to the switch enabling TDMA access to a single data stream of one modem discussed above. Attention is now directed toward FIG. 8 wherein ODU controller circuitry corresponding to the inclusion of multiple modems within IDU controller 250 is shown. (emphasis supplied).

Thus, Foster discloses a need for various controller alterations to the ODU and IDU controllers 230, 250, but fails to provide any support for an expandable bus structure that is adaptable to expand without altering the circuitry of the respective controllers.

Applicant respectfully requests withdrawal and reconsideration of the rejection of independent Claims 1, 27 and 38. Without addressing the rejection of Claims 9, 11, 13-16, 18-22, 26, 46, 48, 50-53, 55-59 and 63, these claims are patentable by virtue of their dependency upon independent Claims 1 and 38. Thus, reconsideration and withdrawal of

the rejection of these claims are hereby respectfully solicited.

Rejection under 35 U.S.C. § 103

Claims 2, 3-8, 17, 23-25, 39-45, 54 and 60-62 stand improperly rejected under 35 U.S.C. § 103(a) as unpatentable over Foster in view of Carney. Without addressing the merits of the rejection of Claims 2, 3-8, 17, 23-25, 39-45, 54 and 60-62 these claims are patentable by virtue of their dependency upon independent Claims 1 and 38. Claims 1 and 38 are in condition for allowance. Thus, reconsideration and withdrawal of the rejection of Claims 2, 3-8, 17, 23-25, 39-45, 54 and 60-62 are hereby respectfully solicited.

Conclusion

Applicant respectfully submits that Claims 1-27 and 38-63 are in condition for allowance. A notice to this effect is respectfully requested. If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

The Office is requested and authorized to charge any fee associated with this application to Deposit Account No. 04-1679 to Duane Morris LLP.

Respectfully submitted,

/mcc/
Mark C. Comtois Reg. No. 46,285

DUANE MORRIS LLP
505 9th Street, N.W., Suite 1000
Washington, DC 20004
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Dated: 6 March 2008